

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

WATSON GUIDE IP, LLC,	)	
a Delaware limited liability	)	
company, and ROE DENTAL	)	Case No. 23-cv-00254
LABORATORY, INC., an	)	
Ohio corporation,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ABSOLUTE DENTAL SERVICES,	)	
INC, a North Carolina corporation,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

Plaintiffs Watson Guide IP, LLC (“Watson IP”) and ROE Dental Laboratory, Inc. (“ROE”), by and through their counsel, file this Complaint against defendant Absolute Dental Services, Inc. (“Absolute”) and allege as follows:

**PRELIMINARY STATEMENT**

1. This is a patent infringement action alleging that Absolute has infringed and continues to infringe and induce infringement of one or more claims of U.S. Patent No. 11,576,755 (“the ‘755 patent”) by making, using, selling, and offering to sell its Synergy Plus Guided Workflow products and services.

**THE PARTIES**

2. Plaintiff Watson IP is a Delaware limited liability company having its principal place of business at 4933 Ocean View Blvd., La Canada, California 91011.

3. Plaintiff ROE is an Ohio corporation with a principal place of business at 7165 E. Pleasant Valley Rd., Independence, Ohio 44131.

4. Defendant Absolute is, on information and belief, a North Carolina corporation with a principal place of business at 3600 University Drive, Durham, North Carolina 27707.

### **JURISDICTION AND VENUE**

5. This is a civil action for patent infringement under the laws of the United States, Title 35 United States Code.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1338(a) and 1331.

7. This Court has personal jurisdiction over Absolute because it is a North Carolina corporation headquartered in this District, and it has committed acts within this District giving rise to this action.

8. Venue is proper in this District under 28 U.S.C. § 1400(b) because Absolute is a North Carolina corporation headquartered in this District, and because Absolute has a regular and established place of business in this District from which it has committed acts giving rise to this action.

### **BACKGROUND**

9. Watson IP is the owner by assignment of the ‘755 patent. The ‘755 patent describes and claims an apparatus and method for installing a multi-tooth dental prosthesis. Jason Watson, the inventor of the ‘755 patent and managing member of

Watson IP, is an innovation leader in techniques for installing multi-tooth dental prostheses.

10. ROE is the exclusive licensee to the '755 patent. ROE has been building successful long-term partnerships with dentists since 1926. ROE manufactures and sells Chrome GuidedSMILE products that practice the '755 patent. CHROME GuidedSMILE provides dentists with a preplanned, predictable guided surgery for multi-tooth dental prostheses. The Chrome GuidedSMILE stackable guide coordinates implants, bone reduction, prosthetics, with a simplified final conversion protocol. Components of the Chrome GuidedSMILE system are shown below:



11. The ‘755 patent, titled “Fixation Base and Guides for Dental Prothesis Installation” was duly and legally issued by the United States Patent and Trademark Office on February 14, 2023. A true and correct copy of the ‘755 patent is attached as Exhibit A.

12. Watson IP and ROE have complied with 35 U.S.C. § 287(a) by marking substantially all of the Chrome GuidedSMILE products with an internet address where the number of the ‘755 patent is associated with the patented products.

13. Watson IP and ROE previously brought suit against Absolute for infringement of related U.S. Patent No. 11,173,016 (“the ‘016 patent”) in Middle District of North Carolina, case no. 22-cv-00558 (“the first infringement suit”).

14. In response to the first infringement suit, attorney Ryan K. Simmons, on behalf of Absolute, filed a petition for Inter Partes Review in the U.S. Patent Office (“the petition”) alleging that the ‘016 was unpatentable in view of prior art by Zerhat, Llop, and Wong. The first infringement action is presently stayed pending a decision on the petition.

15. On information and belief, attorney Ryan K. Simmons, on behalf of Absolute, followed the prosecution of the application for the ‘755 patent in the U.S. Patent and Trademark Office.

16. During the prosecution of the application for the ‘755 patent, attorney Ryan K. Simmons filed, in that application, the same prior art by Zerhat, Llop, and Wong identified in the petition.

17. On information and belief, Absolute, through attorney Ryan K. Simmons, was aware that the U.S. Patent Office determined that the claims of the ‘755 patent were patentable over the prior art by Zerhat, Llop, and Wong identified in the petition, and that the U.S. Patent and Trademark Office would and had issued the ‘755 patent.

18. On information and belief, as a result of monitoring the application for the ‘755 patent, Absolute was aware of the ‘755 patent.

19. Neither Watson IP nor ROE has authorized Absolute to use the ‘755 patent or any portion thereof.

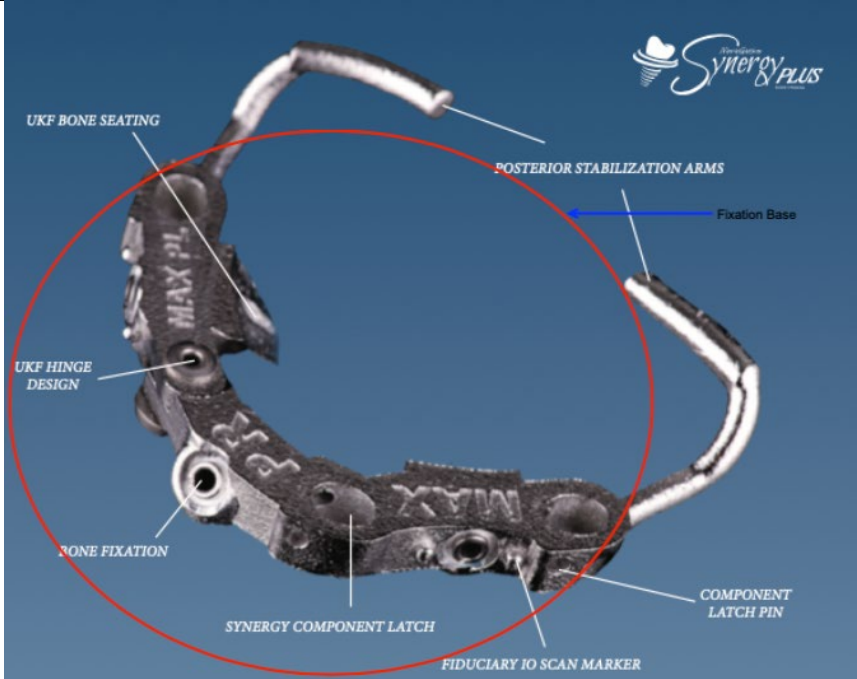
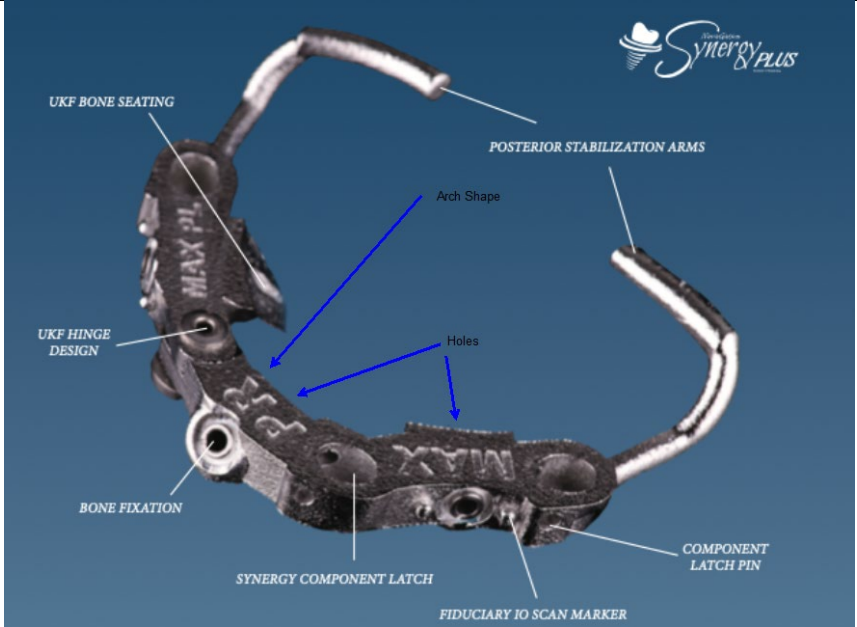
20. On information and belief, Absolute makes, sells and offers to sell guided surgery products under the Synergy Plus Guided Workflow brand. On information and belief, components of the Synergy Plus Guided Workflow system are shown below:





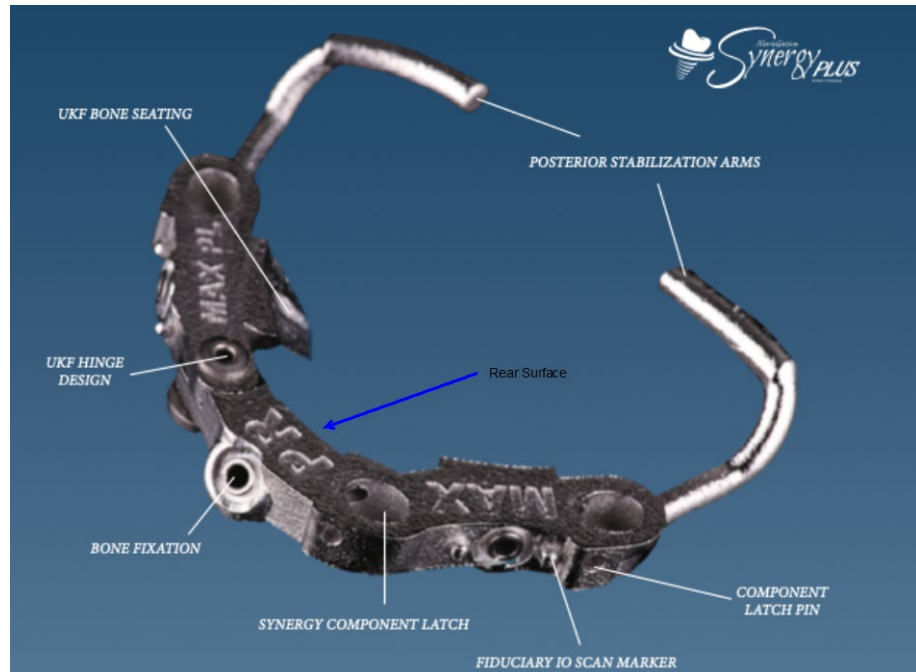
21. On information and belief, the Synergy Plus Guided Workflow products infringe at least claim 7 of the '755 patent as shown below:



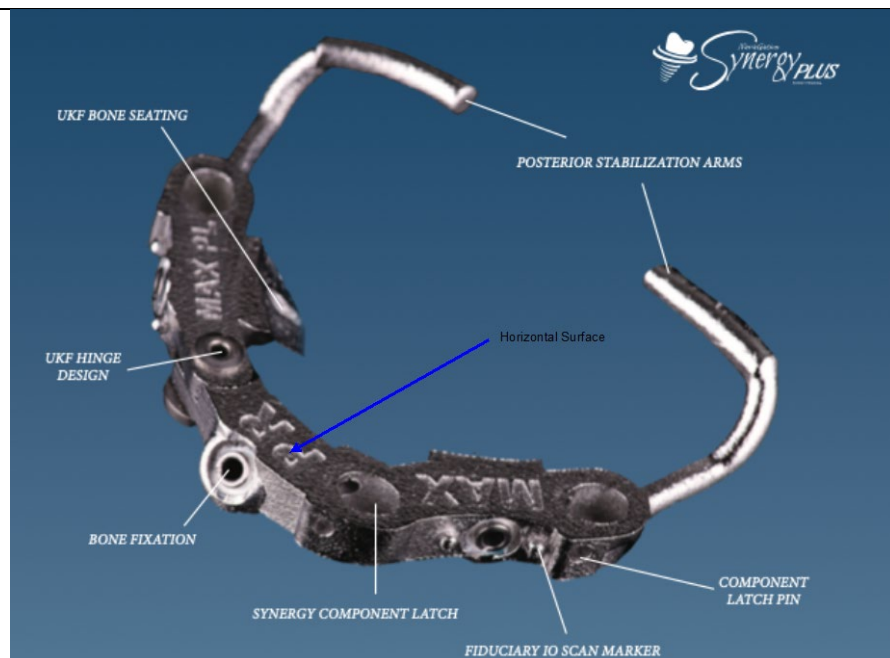
'755 patent, claim 7	Synergy Guided Workflow
<p>An apparatus for installing a dental prosthesis to maxillary or mandibular jaw bone of a patient, the apparatus comprising: a fixation base for providing an attachment surface for a dental guide used during a dental prosthesis installation procedure,</p>	
<p>the fixation base further comprising an arcuate base member with a front surface that includes a plurality of openings through which fasteners can be passed,</p>	



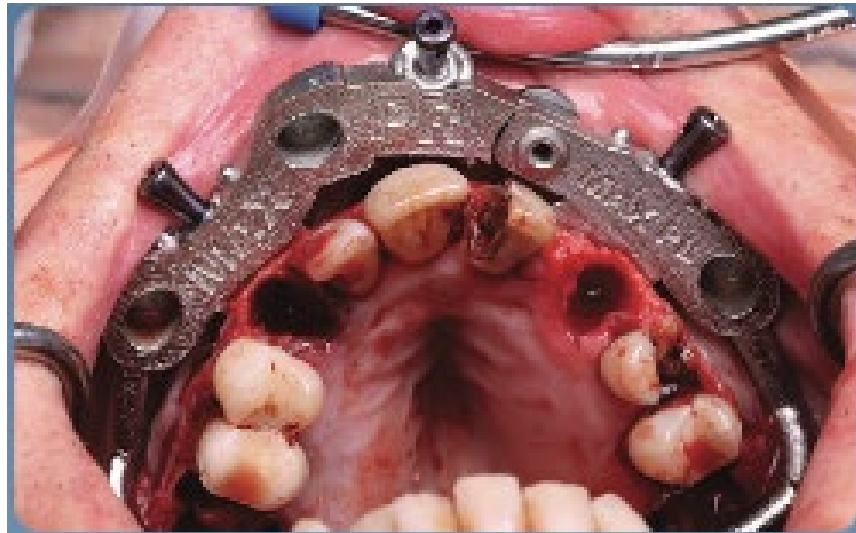
a rear  
surface, and



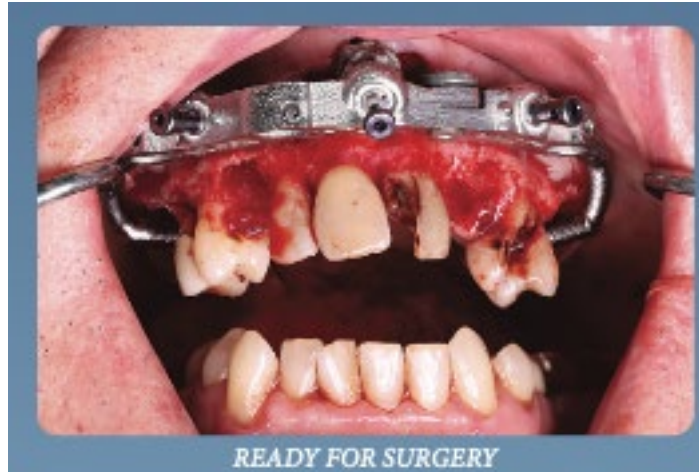
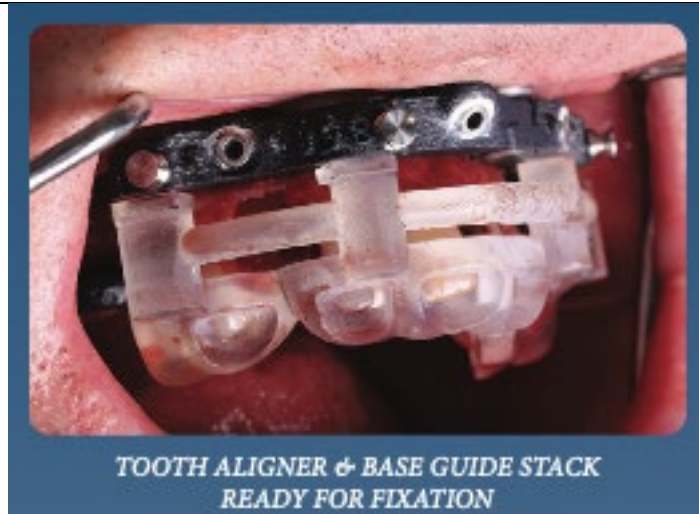
a horizontal  
surface,



wherein the fixation base is configured and dimensioned to fit only in front of the maxillary or mandibular bone structure of said patient and itself does not include any portions which would otherwise extend in back of the maxillary or mandibular bone structure of a patient; and



a first dental guide, wherein the first dental guide is a mouthpiece configured and dimensioned to surround teeth of the patient and to attach the fixation base and to be removed after the fixation base is affixed to the maxillary or mandibular bone structure of a patient.



22. On information and belief, Absolute has induced others to use the Synergy Plus Guided Workflow in a manner that infringes the '755 patent through advertisements, instruction manuals and videos, many of which are available on the [absolutedentalservices.com](http://absolutedentalservices.com) website operated by Absolute.

23. On information and belief, Absolute has infringed the '755 patent and induced others to infringe despite knowing of the '755 patent and that infringement.

### **CAUSE OF ACTION**

24. Paragraphs 1 through 22 are incorporated by reference as if fully set forth herein.

25. Through making, selling and offering for sale of the Synergy Plus Guided Workflow products, Absolute has directly infringed and continues to directly infringe the ‘755 patent in violation of 35 U.S.C § 271(a).

26. By causing others to use the invention claimed in the ‘755 patent, Absolute has induced infringement in violation of 35 U.S.C § 271(b).

27. Absolute’s acts of infringement and inducement of infringement have been and continue to be willful and deliberate.

28. By reason of Absolute’s infringement and inducement, Watson IP and ROE have suffered and continue to suffer damages, including lost profits.

29. By reason of Absolute’s infringement and inducement, Watson IP and ROE have suffered irreparable harm for which there is no adequate remedy at law, which will continue unless Absolute is enjoined.

### **DEMAND FOR JURY TRIAL**

30. Watson IP and ROE demand a trial by jury on all matters herein so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Watson IP and ROE respectfully request the Court enter judgment in their favor and against Absolute as follows:

- a) Declaring that Absolute has directly infringed and is directly infringing the ‘755 patent;
- b) Declaring that Absolute has induced infringement of the ‘755 patent;
- c) Declaring that Absolute’s infringement and inducement have been willful;
- d) Declaring that this case is exceptional under 35 U.S.C. § 285;
- e) Preliminarily and permanently enjoining Absolute from making, selling or offering for sale its Synergy Plus Guided Workflow products and colorable variations thereof;
- f) Preliminarily and permanently enjoining Absolute from encouraging others to use the Synergy Guided Workflow products and colorable variations thereof;
- g) Awarding Watson IP and ROE their respective damages including lost profits, but not less than a reasonable royalty;
- h) Trebling the damages awarded to Watson IP and ROE;
- i) Awarding all costs and expenses of this action, including Watson IP’s and ROE’s reasonable attorneys’ fees;
- j) Awarding pre-judgment and post-judgment interest;
- k) Awarding such other and further relief as the Court may deem just, necessary, and proper.

Dated: March 17, 2023

Respectfully submitted,

By: /s/ Peter D. Siddoway  
Peter D. Siddoway  
SAGE PATENT GROUP  
2301 Sugar Bush Road, Suite 200  
Raleigh, North Carolina 27612  
Telephone: 984-219-3369  
Facsimile: 984-538-0416  
Email: [psiddoway@sagepat.com](mailto:psiddoway@sagepat.com)

*Attorney for Plaintiffs  
Watson IP and ROE*

*Of Counsel:*

Bruce G. Chapman  
KARISH & BJORGUM, PC  
119 East Union Street, Suite B  
Pasadena, California 91103  
Tel.: (213) 785-8070  
Fax: (213) 995-5010  
Email: [bruce.g.chapman@kb-ip.com](mailto:bruce.g.chapman@kb-ip.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of March 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Peter D. Siddoway  
Peter D. Siddoway  
SAGE PATENT GROUP  
2301 Sugar Bush Road, Suite 200  
Raleigh, North Carolina 27612  
Telephone: 984-219-3369  
Facsimile: 984-538-0416  
Email: [psiddoway@sagepat.com](mailto:psiddoway@sagepat.com)

*Attorney for Plaintiffs  
Watson IP and ROE*